

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**

In re:

NPC International, INC.

**Case No. 20-33353
Chapter 11**

Debtor.

OPPOSED MOTION FOR RELIEF FROM AUTOMATIC STAY

This is a motion for relief from the automatic stay. If it is granted, the movant may act outside of the bankruptcy process. If you do not want the stay lifted, immediately contact the moving party to settle. If you cannot settle, you must file a response and send a copy to the moving party at least 7 days before the hearing. If you cannot settle, you must attend the hearing. Evidence may be offered at the hearing and the court may rule.

Represented parties should act through their attorney.

**There will be a hearing on this matter on October 1, 2020 at 9:30 a.m. at 515 Rusk
Houston, TX 77002.**

Comes now Hollie Mackellar, individually and as Guardian for her minor children, (referred to as "Mackellar"), a creditor, by and through her attorney of record and moves this Court for relief from the Automatic Stay imposed by 11 U.S.C. § 362, and as grounds for said Motion states as follows:

1. Debtor filed for Chapter 11 Bankruptcy on July 1, 2020.
2. On or about November 2, 2018, Mackellar was struck by a motor vehicle which was driven by an employee of a Pizza Hut Franchise owned by the Debtor.
3. The accident occurred in Baldwin County, Alabama, and the driver of the vehicle which struck Ms. Mackellar was driving in the course of his employment for said company at the time of the accident.

4. Mackellar asserts that the accident was the result of the negligent actions of the employee, who, in the course of his employment, and while under the influence of drugs and/or alcohol, struck Ms. Mackellar causing significant injuries to Ms. Mackellar.

5. Ms. Mackellar, individually and as Guardian of her minor children, retained the services of a law firm in Baldwin County, Alabama to pursue state law personal injury claims against multiple parties, including NPC International, Inc., the Debtor in this case.

6. Ms. Mackellar filed her complaint in Alabama state court on November 18, 2018 (Case Number: 05-2018-CV-901535, asserting claims of negligence, wantonness, negligent entrustment, wanton entrustment, zone of danger- mental anguish, loss of consortium and uninsured and/or underinsured motorist coverage.

7. The defendant has retained counsel in 05-2018-CV-901535.

8. On July 3, 2020, a Suggestion of Bankruptcy and Notice of Automatic stay was filed in the state case.

9. Therefore, Mackellar, as a party in interest, hereby requests Relief from the Automatic Stay under 11 U.S.C. § 362(d)(1) so that she may pursue, individually and on behalf of her minor children, the personal injury lawsuit filed by Ms. Mackellar against the Debtor in state court in Alabama with Case Number: 05-2018-CV-901535.

WHEREFORE, Mackellar prays that the Court will grant her relief from the automatic stay so she may proceed with the state law claims of personal injury on behalf of herself and her minor children and against the Debtor and for such other and further relief that will be just and fair in the premises.

Respectfully submitted this 7th day of August 2020,

Seth Kretzer

SETH KRETZER
SBN: 24043764
440 Louisiana, Ste. 1440
Houston, TX 77002
(713) 775-3050 (office)
Email: seth@kretzerfirm.com

CERTIFICATE OF CONFERENCE

On July 29, 2020, I conferred with Phil DiDonato at WEIL, GOTSHAL & MANGES LLP who is **opposed** for the reasons explicated in the Omnibus Brief filed August 28, 2020.

/s/ Seth Kretzer
Seth Kretzer

CERTIFICATE OF SERVICE

This is to certify that on this, the 4th day of September 2020, a true and correct copy of the above and foregoing instrument was served electronically through the CM/ECF system upon all counsel of record.

/s/ Seth Kretzer
Seth Kretzer